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NOS. 478 and 479

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In the
Supreme Court of the United States

OCTOBER TERM, 1968

JEREMIAH STAMLER, M.D. and YOLANDA F. HALL,
Plaintiffs-Appellants,

vs.

HON. EDWIN E. WILLIS, et al.,
Defendants-Appellees,

MILTON M. COHEN,
Plaintiff-Appellant,

vs.

HON. EDWIN E. WILLIS, et al.,
Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division.

Petition for Rehearing

HARRY KALVEN, JR.
University of Chicago
Law School
Chicago, Illinois 60637

RICHARD ORLIKOFF
33 N. Dearborn Street
Chicago, Illinois 60602

Attorneys for
plaintiff-appellant
Milton M. Cohen

ALBERT E. JENNER, JR.
THOMAS P. SULLIVAN
135 S. LaSalle Street
Chicago, Illinois 60603

ARTHUR KINOY
511 Fifth Avenue
New York, New York 10017

Attorneys for
plaintiffs-appellants
Jeremiah Stamler, M.D. and
Yolanda F. Hall

UNITED STATES LAW PRINTING CO., CHICAGO, ILLINOIS 60618 (312) 525-6581

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Plaintiffs-appellants petition this Court to grant a rehearing of this case, and upon the rehearing to vacate the order entered on November 25, 1968, and thereafter grant appellants the relief prayed in appellants' Jurisdictional Statement.

In 1946, members of both the House and Senate debated at length as to whether the charters of standing committees should be contained only in resolutions of each house, or whether the charters should also be embodied in a statute. (92 Cong. Rec. 6391-94, 6457, 10040, 10064 (1946).) No serious doubt was ever cast on the use of the statutory form, which was adopted to assure parallel organization of the houses of future congresses. The result was Part 2 of Title I of the Legislative Re-Organization Act of 1946, which includes Rule XI establishing the House of Representatives Committee on Un-American Activities.

These congressional debates demonstrate beyond doubt that Congress knowingly and purposefully embodied in statutory form the charters which establish standing committees. Accordingly, an "Act of Congress" is involved in this case within 28 U.S.C. § 2282.

Respectfully submitted,

HARRY KALVEN, JR.
University of Chicago
Chicago, Illinois 60637

RICHARD ORLIKOFF
33 N. Dearborn Street
Chicago, Illinois 60602
Attorneys for
Plaintiff-Appellant
Milton M. Cohen

ALBERT E. JENNER, JR.
THOMAS P. SULLIVAN
135 S. LaSalle Street
Chicago, Illinois 60603

ARTHUR KINOY
511 Fifth Avenue
New York, New York 10017
Attorneys for
Plaintiffs-Appellants
Jeremiah Stamler, M.D.
and Yolanda F. Hall

December 17, 1968.

Thomas P. Sullivan, attorney of record for appellants Jeremiah Stamler, M.D. and Yolanda F. Hall, and Richard Orlikoff, attorney of record for Milton M. Cohen, certify that the foregoing Petition for Rehearing is presented in good faith and not for purposes of delay.

Three copies of this Petition for Rehearing have been served upon the Solicitor General of the United States, Department of Justice, Washington, D.C. 20530, and three copies have been served upon the United States Attorney for the Northern District of Illinois.

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THOMAS P. SULLIVAN

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RICHARD ORLIKOFF

Signed and sworn to before
me December 17, 1968.

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Notary Public